IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17554 of 2003

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JEHANGIRKHAN HAMIDKHAN PATHAN

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioner No. 1

MRS RANJAN B PATEL for Petitioner No. 1

MS NANDINI JOSHI, AGP, for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/11/2004

ORAL JUDGEMENT

1. In this petition the petitioner has challenged the order 19.6.2002 passed by the respondent no.2 cancelling the licence of the revolver bearing Licence No.87/94, Annexure-A and the order dated 31.7.2003 passed by the respondent no.1 dismissing the appeal of the petitioner.

2. The petitioner had been granted a licence for holding revolver bearing Parvana No.87/1994. On 25th November 2001 the petitioner received a communication passed by respondent no.2 informing him about suspension of his licence on the ground of registration of a complaint and directed the petitioner to hand over the weapon. A show-cause notice was issued to which the petitioner has replied to. Ultimately the respondent no.2 passed an order on 19.6.2002 cancelling the licence of the petitioner. The appeal filed by the petitioner also came to be dismissed. Hence the present petition.

3. Learned counsel for the petitioner submitted that the licence has been cancelled in view of the criminal complaints registered against the petitioner. He further submitted that in the criminal criminal cases filed against the petitioner he has been acquitted and therefore the respondent authorities ought to have granted licence to the petitioner.

4. From the record, especially Annexures-E and G, it is clear that in criminal cases the petitioner has been acquitted and therefore the foundation for cancelling the licence no longer survives and the case of the petitioner is required to be considered.

5. In the premises aforesaid, the impugned orders at Annexures-A and B are quashed and set aside. The petitioner shall approach the respondent authorities within two weeks from today with an application to consider his case for grant of licence. If such an application is made, the respondent authorities shall consider the said application in light of the above facts. The respondent authority shall consider and take a decision afresh, without being influenced by the order dated 19th June 2002, within a period of three months from the date of receipt of the application from the petitioner. Rule is made absolute to the aforesaid extent with no order as to costs. D.S. permitted.

[K.S. JHAVERI, J.]

ar